

**General Assembly**

Seventy-third session

Official Records

Distr.: General
7 December 2018

Original: English

**Special Political and Decolonization Committee
(Fourth Committee)****Summary record of the 4th meeting**

Held at Headquarters, New York, on Wednesday, 10 October 2018, at 3 p.m.

Chair: Mr. Kemayah, Sr. (Liberia)**Contents**

Agenda item 63: Implementation of the Declaration on the Granting of
Independence to Colonial Countries and Peoples (*Territories not covered under
other agenda items*) (*continued*)

Hearing of petitioners (continued)

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Management Section (dms@un.org), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org/>).

18-16878 (E)



Please recycle



The meeting was called to order at 3 p.m.

Agenda item 63: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other agenda items) (continued) (A/73/23, A/73/70 and A/73/219)

Hearing of petitioners (continued)

1. **The Chair** said that, in accordance with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements. He reminded all speakers to observe decorum, refrain from personal remarks and limit themselves to the agenda items under consideration.

Question of New Caledonia (continued) (A/C.4/73/5 and A/C.4/73/5/Rev.1)

2. **Mr. Yanno** (Congress of New Caledonia) said that the French Government and the political parties of New Caledonia had done everything in their power to ensure that the forthcoming referendum on self-determination would be fully transparent and legal. Despite some claims to the contrary, the electoral rolls had been prepared with the utmost objectivity and in full compliance with the law, as had been confirmed by United Nations experts. In addition, the Government of France had requested the presence of experts on the day of the referendum to attest to its legality. Only 85 per cent of registered voters would be permitted to vote in the referendum, which reflected the willingness of anti-independence groups to compromise. Convinced that the people of New Caledonia would vote in favour of remaining part of France, he called on the Committee to respect the result of the referendum, recalling that independence was not an essential part of decolonization. Opponents of independence for New Caledonia hoped that the Territory would be removed from the list of Non-Self-Governing Territories while remaining part of the French Republic and that the United Nations would support it in that decision.

3. **Mr. Poadja** (Vice-Chair, Committee on Foreign Relations, Congress of New Caledonia), speaking on behalf of Calédonie Ensemble, the leading anti-independence political organization in his country, said that, following a period of turbulence, New Caledonia had entered a new era, thanks to the unwavering efforts of the local people and the French Government. Peace had been achieved, Kanak identity had been recognized and residents throughout the archipelago enjoyed the same quality of life. With the exception of sovereign competencies, New Caledonia

was entirely self-governing. The forthcoming referendum placed all that progress at risk, however. He hoped that the people of New Caledonia would vote against independence, as it would help ensure that New Caledonians of all origins continued to live together peacefully and respectfully and would allow New Caledonia to continue to pursue its shared destiny with France.

Question of Guam (A/C.4/73/4 and A/C.4/73/4/Rev.1)

4. **Ms. Barnett** (Independent Guåhan) said that, despite 500 years of uninterrupted colonization, the Chamorro people were continuing to fight to protect their culture and restore their right to self-determination, in line with United Nations resolution 1514 (XV) and in the face of the continued militarization of the island by the United States Government, including of culturally important sites. All efforts to hold a plebiscite on the political status of Guam had ceased, however, since a court had ruled in 2011 in favour of a white American resident of Guam who had claimed that the refusal to allow him to register for the plebiscite, which had previously been open only to native inhabitants, violated his civil rights under the United States Constitution. The message that such a decision sent about the value that the United States Government placed on the Chamorro people was highly damaging. As the administering Power was using its Constitution to deny the Chamorro people the right to self-determination, she called on the United Nations to send a visiting mission to Guam and to hold the United States Government accountable regarding the decolonization of the Territory.

5. **Ms. Arroyo** (University of San Francisco's Pacific Islander Collective) said that she had come before the Committee to demand the right to self-determination for the people of Guam, which was essential if they were to be able to begin the process of healing from generations of colonial violence. The decision of the administering Power to construct a live firing training range complex at Northwest Field, overlooking the ancient sacred village of Litekyan, perpetuated the legacy of colonialism by preventing the indigenous people from accessing sites of ancestral importance. Furthermore, the United States Department of Justice had questioned whether the Chamorro Land Trust, which had been established in response to historic land theft to give Chamorro individuals the opportunity to lease land, discriminated on the basis of race or national origin, thereby threatening the continuation of the Trust.

6. As a people closely connected to their land, the Chamorro would continue to suffer as long as their land continued to suffer. She called on the United Nations to send a visiting mission to Guam and to continue to hold

the administering Power accountable in respect of the decolonization of Guam and the right to self-determination of its people.

7. **Ms. Na'puti** (Guåhan Coalition for Peace and Justice) said that the Committee should hold the administering Power of Guam accountable for achieving decolonization and upholding the right to self-determination, specifically by sending a visiting mission to Guam. Despite its declarations to the contrary, the administering Power did not respect the sovereignty of Guam, having continued to perpetuate acts of colonial violence, specifically militarization, which prevented the people of Guam from enjoying the right to self-determination.

8. The proposed construction of a live firing training range complex near Litekyan village posed a threat to important environmental, ancestral and historical sites. Furthermore, the planned destruction of a distinctive limestone forest would also contaminate the largest source of drinking water on the island. Such activities — which denied the Chamorro people access to sacred sites and threatened their enduring connection with their ancestors and heritage — violated General Assembly resolutions 1514 (XV) and 57/140 (2002), which called on the administering Power to eliminate all remaining military bases and ensure that any military arrangements did not run counter to the rights of the native people. She called on the Committee to adopt the draft resolution on the question of Guam (A/AC.109/2018/L.16); although the language contained therein had been watered down, it remained an important text.

9. **Ms. Munoz** (Pacific Islands Students Association of Diablo Valley College, California) said that military contamination posed a serious threat to the environment and people of Guam. Although the Andersen Air Force Base had long been scheduled for remediation, the process had still not been completed, and contamination had already been recorded underneath the Northern Guam Lens Aquifer, which was below the base. Since taking over ownership of Ordot landfill, the Government of Guam had invested over \$200 million in efforts to close it, with no support from the Federal Government, despite it being responsible for contaminating the site and allowing those contaminants to spill into the surrounding waters. Furthermore, although there was evidence that the United States Government had used Agent Orange in Guam, it denied all responsibility.

10. As recognized by the Special Rapporteur on the rights of indigenous peoples, the indigenous governance systems of Guam had represented the native people for centuries in a manner in line with their cultures,

traditions and values. The indigenous people — unlike the administering Power — had a profound connection to the island and would ensure that it was protected. She therefore urged the United Nations to send a visiting mission to Guam and to support Guam in its quest for self-determination and decolonization.

11. **Ms. Bordallo** (Famoksaiyan) said that it was time to put an end to the high rates of illness, incarceration, substance abuse and family violence that the people of Guam suffered as a result of 500 years of uninterrupted colonialism and United States nuclear testing activities. The Chamorro people had long understood that their well-being was inextricably linked to that of the island. Until the Japanese invasion of Guam, the Chamorro had been self-sustaining through traditional farming and fishing; that way of life had quickly been destroyed, however, leaving many Chamorros homeless or dependent on processed foods.

12. Given their high dependence on imported foodstuffs, policies such as the Jones Act, which required that all goods transported by water between United States ports be carried on United States vessels, made it increasingly difficult for Chamorros to survive on the island, a problem that was compounded by the presence of large numbers of military personnel and foreign workers. She requested that the Committee send a visiting mission to Guam to witness the cumulative impact of the United States military presence.

13. **Ms. Ganser**, speaking in her personal capacity, said that her identity as a Chamorro woman and her experience as a victim of intimate partner violence at the hands of a white United States citizen influenced her work to combat colonization, as war and sexual violence were twin pillars of dominance in dispossessed nations. Given the current political status of Guam, with its particularly high level of United States militarization, and the findings of the United Nations Entity for Gender Equality and the Empowerment of Women that, in modern conflict zones, it was often more dangerous to be a woman than a soldier, the Chamorro people feared that the rampant sexual violence seen around the United States military base in Okinawa, Japan, would soon appear in Guam, which already had the second highest rate of sexual assault in its administrative country, the United States of America.

14. Any solutions to the gendered violence witnessed in Guam must address the pervasive colonialism and racism in American society. The ownership exercised by the administering Power over Guam was antithetical to the egalitarian and matriarchal values of Chamorro culture and to the universal right to self-determination. She called on the Committee to conduct a visiting

mission to Guam to see first-hand the extreme nature of the dispossession experienced.

Question of the Turks and Caicos Islands (A/C.4/73/6 and A/C.4/73/6/Rev.1)

15. **Mr. Roberts** (Turks and Caicos Forum) said that the decision of the United Kingdom to abstain during the vote on General Assembly resolution 72/92, which set out requirements for administering Powers in the wake of a natural disaster in any Non-Self-Governing Territory under their control, was indicative of its approach to the Turks and Caicos Islands, which had been devastated by two hurricanes in 2017. The British Government had been grossly negligent in its response to natural disasters on the islands, having failed to build any retaining walls to shield against tidal waves or provide drones to check on citizens throughout the island chain. Furthermore, the Governor of the Turks and Caicos Islands refused to address the crippling levels of immigration that the Territory was experiencing, preferring instead to focus on trivial matters.

16. He called on the Committee to conduct a visiting mission to the Turks and Caicos Islands to witness first-hand the failure of the British Government. In the absence of adequate British involvement, the Turks and Caicos Forum was willing to act as a suitable liaison point to provide information on the situation on the islands following natural disasters. He also urged the Committee to dispense with the terms "administering Power" and "Dependencies", as Territories such as the Turks and Caicos Islands depended on the British Government for next to nothing, and the British Government played no role in administering the islands.

Question of Western Sahara (A/C.4/73/7 and A/C.4/73/7/Rev.1)

17. **Ms. Warburg** (Freedom for All) said that tens of thousands of Sahrawi refugees were being forcibly detained in camps run by the Frente POLISARIO and denied basic human rights. The Frente POLISARIO was repressing those it purported to represent and violently quashing all dissent. It also sold international aid for profit. Young Sahrawis with no other options were turning to unlawful trafficking operations or terrorism-linked enterprises for employment. Peaceful protests by groups opposed to the Frente POLISARIO were brutally quashed, and activists were harassed, tortured and imprisoned. Sahrawis in Western Sahara, however, enjoyed freedom of opinion, good-quality education and the right to vote and were involved fully in the economic and social development of the region through locally-developed policies, including on the

management of natural resources for the benefit of the local population. Human rights groups and non-governmental organizations — even those opposed to the Moroccan State — operated freely. The credible and realistic plan for autonomy proposed by Morocco provided a solution to resolving the conflict and liberating the refugees in the Tindouf camps.

18. **Ms. Bahaijoub** (Family Protection) said that Sahrawis had formed an integral part of Moroccan society since before the Spanish colonization. The allegations of human rights abuses raised by the Frente POLISARIO were designed to garner support and distract from reality. Not only were all incidents of unnecessary use of police force documented, but the Moroccan Parliament had also recently adopted a new law on violence against women in both the public and private spheres. The real human rights abuses were being carried out by the Frente POLISARIO in the Tindouf camps. A Spanish association had recently reported to the Spanish Government on the abduction and confinement of dozens of Sahrawi women in those camps by members of the Frente POLISARIO and had called on European institutions to respond to such atrocities. Human Rights Watch had also raised concerns about the restrictions placed on Sahrawi women in the camps.

19. In contrast, Sahrawis in Western Sahara, including those critical of the Moroccan Government, were able to travel freely. Furthermore, as a result of the implementation of the Moroccan plan for autonomy, which had received bipartisan support from the United States Congress, Sahrawis were participating in the Moroccan Government as democratically elected officials at the local, regional and national levels.

20. **Ms. Stame Cervone** (Centrist Democratic International Women) said that numerous cases of rape by officials of the Frente Polisario against Sahrawi women had been brought before the Spanish courts. Reading from an article published on the website Futuro Sahara, she said that Sahrawi diplomats were exploiting the desperation of Sahrawi women by forcing them into performing sexual acts in return for favours, such as facilitating their studies. In addition to such exploitation, many residents of the Tindouf camps were victims of abduction, mass arrests and systematic torture in clandestine prisons.

21. **Mr. Rosemarine**, speaking in his personal capacity as an international lawyer, said that the Moroccan autonomy proposal was the most practical solution to the dispute. The proposal, which was fair, flexible and far-sighted, combined a large degree of self-determination with an emphasis on negotiations. It

aimed to build a modern, democratic society based on economic and social development. As such, it brought hope for a better future for the region's populations and promoted reconciliation, and would put an end to separation and exile. It also guaranteed that all Sahrawis, inside and outside the Territory, would play a leading role in the bodies and institutions of the Sahara region. The Sahrawis would run their affairs democratically and would have all necessary financial resources.

22. Morocco could be trusted to implement the proposal in a fair and responsible manner. The international community had witnessed the response of Morocco during the Arab Spring, when it had instituted lasting democratic reform and encouraged economic growth for the benefit of all, without any of the bloodshed seen in other countries. Morocco had given greater democratic freedoms to its entire people, with the result that an opposition party had been elected and remained in power. Furthermore, in 2015, the Organisation for Economic Co-operation and Development had praised the efforts of the Government to promote transparency, integrity and citizen participation.

23. **Mr. Nguyen Manh Hung** (Ho Chi Minh National Academy of Politics) said that autonomy had become widely accepted as a plausible and peaceful solution to territorial disputes. The International Academic Network for Autonomy was confident that the Moroccan initiative for the autonomy of the Sahara region was a feasible and realistic solution to the dispute. To support the initiative, the Moroccan Government was investing heavily in developing the social, economic and political life of the region. The initiative complied with the Security Council's approach to the peaceful resolution of disputes and with its wishes that neighbouring countries contribute to finding a realistic, practical and enduring political solution to what was a regional dispute, in accordance with its resolution 2414 (2018). He called on all parties to engage in negotiations to prevent any further suffering.

24. **Ms. Travieso Darias** (Asociación Canaria Juristas Por La Paz Y Derechos Humanos) said that, over the previous year, an increasing number of Sahrawis — not only human rights activists, but increasingly individuals involved in any efforts to promote socioeconomic development or the right to self-determination — were being subjected to illegal political trials. Journalists had been incarcerated, tortured and given severe sentences, and had seen their audiovisual materials confiscated, in order to erase all evidence of the war crimes committed by the Moroccan Government. In the previous month alone, she had witnessed the illegal trial of two

journalists, which had been remarkably brief and at which no evidence had been presented to support the sentences handed down. That same day, the Moroccan Government had brutally quashed a peaceful protest in the occupied Territory. She had personally received threats from senior Moroccan officials, and two Spanish journalists attempting to attend an illegal political trial in the occupied Territory had been sent back to Casablanca and held in custody, while the Spanish embassy had done nothing to assist them. Morocco routinely used torture to extract false confessions and oppress the Sahrawi population, in direct contravention of the Geneva Convention (1929).

25. **Ms. Navarro** (International Association of Jurists for Western Sahara) said that, despite the many legal grounds for supporting the right to self-determination of the Sahrawi people, the stalemate in the dispute over the Territory persisted. As confirmed by the International Court of Justice and the Department of Legal Affairs, Morocco was an illegal occupying Power with no claim to sovereignty over Western Sahara. Both the Spanish National Criminal Court of Appeals and the United Nations had confirmed that Spain, as a colonial Power, still held responsibilities towards Western Sahara. Consequently, it was Spain, rather than Morocco, that should be considered the colonial administering Power for Western Sahara until the right to self-determination had been exercised.

26. The principle of the permanent sovereignty of peoples over their natural resources meant that all exploitation of such resources in Western Sahara should be conducted in line with the interests and wishes of the Sahrawi people, as had been confirmed by the Under-Secretary-General for Legal Affairs in 2002 and by the Court of Justice of the European Union in its 2018 ruling on the fishing agreement between Morocco and the European Union. Furthermore, the use of armed violence by Morocco against the Sahrawi people had escalated the situation in Western Sahara and violated the law of war. The international community needed to take action to put an end to the illegal Moroccan occupation and oblige Spain to uphold its responsibilities. Lastly, she paid tribute to Ahmed Boukhari, who, like many Sahrawis, had been denied the right to return to Western Sahara, even at the end of his life.

27. **Mr. Tahchi** (University of Sétif, Algeria) said that the decolonization of Western Sahara was inevitable. Morocco, which was using everything in its power to repress pro-independence thought, had been profiting from the resources of Western Sahara since its annexation, in particular its marine fish stocks and its underground phosphate reserves. The presence of the

United Nations Mission for the Referendum in Western Sahara (MINURSO) was of greater benefit to Morocco, as the hands of the Frente Polisario were tied by the cease fire agreements that MINURSO was there to enforce. The success of the next round of negotiations would depend on the level of representation. Until then, Morocco continued to benefit from the silence of the international community, whose inaction made it complicit in perpetuating another form of colonialism.

28. **Mr. El Khattat** (Dakhla-Oued Eddahab region in Western Sahara) said that he had been elected leader of the Dakhla-Oued Eddahab regional council through a popular election, the transparency of which had been confirmed by observers. He had witnessed in person the situation in the Tindouf camps, where thousands of Sahrawis were being violently repressed and exploited. In Dakhla region, conversely, regional affairs were managed by popularly elected Sahrawi officials. As in the rest of Morocco, popular elections were the only method of appointing public officials in the Saharan region. By participating *en masse* in those elections, the Sahrawis had demonstrated their desire to retain permanently their Moroccan identity and had rejected the notion of the Frente POLISARIO as their representatives. He called on the international community to assist the residents of the Tindouf camps and to support the Moroccan proposal for autonomy, which provided the only valid resolution to the dispute.

29. **Mr. Al-Jabari** (Palestinian Moroccan Society) said that the return of Morocco to the African Union was valuable, given the economic, political and spiritual status of Morocco and its role in combating terrorist and trafficking groups in the unstable northern Sahara region. Morocco continued to promote development through an approach based on mutual respect and shared benefits. King Mohammed VI of Morocco had also introduced an initiative to regularize the situation of the numerous African migrants living in the country.

30. In the report of its 31st summit, the African Union had confirmed that only the United Nations possessed a mandate to address the issue of Moroccan Sahara and that the African Union could do nothing to that end except support the Secretary-General and his Personal Envoy for Western Sahara. In its resolution 1754 (2007), the Security Council had welcomed the serious and credible efforts made by Morocco to ensure the autonomy of the Saharan provinces. Morocco had made great strides in all areas of public life, with a focus on ensuring the dignity of all citizens.

31. The Palestinian Moroccan Society rejected all comparisons between the situation in Moroccan Sahara and that of Palestine, given that the former was a case

of territorial reunification, whereas the latter was a case of Israeli colonization.

32. **Mr. Deswaef** (European Coordination of Support for the Sahrawi People) said that, although certain European actors wished to disregard the Western Saharan cause, there was still a large solidarity movement in Europe. As confirmed by various United Nations resolutions, Morocco was an occupying Power. Moreover, it had never been officially recognized as the administering Power for Western Sahara. In light of the decision by MINURSO to exclude non-Sahrawis from the list of persons eligible to vote in a referendum on self-determination, it was important not to confuse the terms "Western Saharan people", namely the Sahrawi people, with "Western Saharan populations", which included Moroccan settlers.

33. In violation of General Assembly resolution 1514 (XV), Morocco continued to exploit the natural resources of Western Sahara, in particular its fish stocks and underground phosphate reserves. The European Union was complicit in that pillaging, as it had signed economic agreements with Morocco designed to encourage trade in agricultural and fishing products. Although the European Commission had held consultations in an attempt to comply with the recent ruling of the European Court of Justice confirming the inapplicability of such agreements to Western Sahara on the grounds that it was a separate entity, it had not permitted the Frente POLISARIO to take part. The United Nations had a duty to ensure that international law was upheld in respect of the Sahrawi people.

34. **Ms. de León Corujo** (Asociación Canaria de Juristas por la Paz y los Derechos Humanos (JUPADEHU)) said that Morocco continued to undermine judicial protection measures, violate international law and fail to provide procedural guarantees. In direct contravention of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and the Universal Declaration of Human Rights, Morocco was using its court system to oppress the Sahrawi people, as MINURSO stood idly by.

35. One example of that repression was the conviction, in 2009, of 25 Sahrawi civilians by a military court for their alleged involvement in the Gdeim Izik protest camp. Such rulings were invalid, however, given that, according to the Under-Secretary-General for Legal Affairs, the Madrid Accord had not transferred sovereignty over Western Sahara to Morocco, nor had it conferred upon any of the signatories the status of an administering Power. Consequently, as Western Sahara could not be considered part of Moroccan territory, the rulings of the Moroccan judiciary were not applicable

therein. Nonetheless, the conviction against the 25 civilians had been upheld, despite the lack of evidence and the use of confessions extracted by torture. Sahrawi prisoners were frequently subject to torture and isolation and were denied the status of prisoners of conscience. She called on the international community to take action against the illegal occupation of Western Sahara and to ensure the application of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

36. **Mr. Mackay** (Instituto Peruano de Derecho Internacional y Relaciones Internacionales (IPEDIRI)), speaking as a professor of international law, said that, as the Sahara region was not a colonized land, it was wrong to speak of decolonization. The Security Council had never described Morocco as an occupying Power in the Sahara region; to claim that the region was under Moroccan occupation therefore implied that the Security Council endorsed such a situation. In addition, it implied that Morocco had used military force during an armed international conflict with an independent sovereign territory, which was not the case. Conversely, the Security Council supported a process of negotiation based on the Moroccan proposal for autonomy, which, having ruled out a referendum on self-determination, it backed as the best option for reaching a consensual solution to the dispute.

37. Decolonization and independence were wrongly viewed as interdependent. The General Assembly itself had set out four options for self-determination, namely integration, association, independence or any other freely agreed solution. Furthermore, as the Security Council was already examining the issue of the Sahara region, it should be withdrawn from the agenda of the General Assembly.

38. **Mr. Razama** (Chair of the Committee on Foreign Affairs and Defence of the Moroccan Parliament) said that before, during and after the colonization of Morocco, the Moroccan authorities in the Sahara region had always insisted on the need to preserve the country's original territorial integrity. In signing various international treaties, in particular the Act of Algeciras and the Franco-Moroccan Agreement on Moroccan independence, the French Government had demonstrated formally its desire to protect that integrity. In other bilateral agreements, France, Germany and the United Kingdom had also recognized the Moroccan Saharan region as being part of Morocco.

39. Morocco continued to suffer at the hands of former colonial powers and neighbouring countries. Thus far,

the signatories of the Act of Algeciras, in particular France, had not upheld their obligations to guarantee the territorial integrity of Morocco. In addition, Spanish control over the Sakia El Hamra region was illegal, as the rights of Morocco over that region had been recognized internationally. Furthermore, in 1962 a neighbouring country had seized control of a then French territory which France had recognized as a legitimate part of Morocco.

40. **Mr. Mayara** (Member of the Moroccan Parliament) said that the Frente POLISARIO had recently celebrated publicly the military graduation of a new company of soldiers. It was clear from the video footage of the event, however, that those soldiers were children no older than 13 years. Although the Frente POLISARIO was willing to ignore the various international instruments designed to protect children, Morocco, as a signatory to those instruments, had a responsibility to ensure that they were upheld, as the offence was taking place within its territory. He urged the Committee to take the necessary measures to protect those children.

41. **Mr. Oublal** (Union General de Trabajadores de Saguia el Hamra y Río de Oro (UGTSARIO)) said that he wished to thank all States that had supported the Sahrawi people since the Moroccan invasion, in particular Algeria, which provided shelter and humanitarian assistance to many Sahrawis. The Sahrawi people continued to face many forms of oppression and injustice at the hands of the Moroccan authorities, including the suppression of peaceful demonstrations and the plundering of their natural resources. The international community must ensure that the Moroccan authorities were held accountable for their crimes against the Sahrawi people, who remained committed to enforcing their inalienable right to self-determination in accordance with international law.

42. Expressing appreciation to the Committee for its unwavering support in condemning the Moroccan occupation, he called on it to take urgent action to ensure that a free, fair and impartial referendum on self-determination was held; encourage the European Union to respect the rulings of the European Court of Justice regarding the exclusion of Western Sahara from all trade agreements with Morocco; end the plundering of the natural resources of Western Sahara; secure the release of all political prisoners; expand the MINURSO mandate to include human rights monitoring; and ensure that international observers and journalists were able to enter the Territory to witness the violations committed by the Moroccan authorities.

43. **Ms. Scholte** (Defense Forum Foundation) said that the referendum promised by the United Nations in return for agreeing to a ceasefire had still not been realized, as a result of the lobbying and bribery — including of United Nations officials — carried out by Morocco. The United Nations was sending a terrible message by rewarding the aggressive actions of Morocco while punishing the Sahrawis, who had placed their trust in the Organization. Not only did the Sahrawis continue to suffer — in the form of torture, imprisonment and disappearances, the plundering of their natural resources and the forced estrangement of refugees from their homeland — but the Moroccan people also suffered, as resources that could be spent on development were instead used to support the illegal occupation of Western Sahara.

44. Resolution of the conflict would bring stability to the Maghreb, demonstrate the commitment of the United Nations to peaceful advocacy and the rule of law and allow the establishment of a democracy in Western Sahara that upheld the Universal Declaration of Human Rights. Even if the United Nations did not choose to hold a referendum, it should urge Morocco to end its illegal occupation of Western Sahara.

45. **Mr. Assor** (Surrey Three Faiths Forum) said that none of his past illustrations of the tragic plight of those incarcerated for over 40 years in the Tindouf camps, with its emotional, physical and psychological repercussions, had prompted decisive action by the Committee to address what he termed a murderous calamity. Calling for the closure of those dreadful camps, he urged the Committee to reflect on the latest proposal presented by King Mohammed VI of Morocco, which had been hailed as the most advanced yet for ending that calamity and bringing hope of a brighter future to the families in Tindouf, thereby helping the children of the camps avoid being exploited as drug mules or as cannon fodder for Sahel terrorist groups.

46. **Mr. Lygeros**, speaking in his personal capacity, said that the Frente POLISARIO had made a strategic error by attempting to use the justice system in its favour. Rather than halting the development of the southern provinces of Morocco and reinforcing the legitimacy of the Frente POLISARIO as the representative of the Saharan people, that strategy had backfired, as the European Court of Justice had stated explicitly that the Frente POLISARIO did not represent the Saharan people. Not only was the Frente POLISARIO no longer able to legitimately make that claim, appearing as it did to be merely the puppet of an invisible State, but other States that had been in a position to support the Frente POLISARIO were withdrawing their support for fear of jeopardizing their own foreign policy.

47. **Mr. Tamek** (Provincial Assembly of Assa-Zag) said that, for every day that the deadlock on the question of Western Sahara continued, more time and resources were being wasted and the thousands of Sahrawi families dispersed throughout the region and in camps continued to suffer. The two States involved in the dispute were engaged in a costly and senseless arms race, because of the obsession of one of those States with amassing weapons of destruction, to the detriment of the Sahrawi people who were left without drinking water or basic foodstuffs. Despite being surrounded by States that sought only peace and security, that State sought to prolong the status quo, having chosen to make the question of Western Sahara an obstacle to the development of neighbouring countries. It sought to be recognized as a regional leader, yet it possessed none of the necessary leadership qualities.

48. As the conflict had been imposed on Morocco, it was right that it participated in the negotiations organized by the Secretary-General's Personal Envoy for Western Sahara. If real progress was to be made, however, the powerless Frente POLISARIO needed to be excluded from the negotiations and the country that had engineered the conflict should be engaged instead.

49. **Ms. Njapau** (Zambia-Israel Initiatives) said that, although the right to self-determination of the Sahrawi people was supported by the Charter of the United Nations and by international law, the practice of implementing that principle had varied from case to case. One example of a flexible approach to the principle was the serious and credible solution set out in the 2007 Moroccan proposal for autonomy, which would promote the development of the Sahara region while permitting the Sahrawi people to manage their own affairs in a democratic manner. Having been discussed with local representatives during an inclusive process of consultations, the initiative would provide the Sahrawi people with the financial resources required to enable them to participate actively in the economic growth and social welfare of the region. It was time to move away from the dogmatic ideologies that stood in the way of achieving a fair, lasting and practical solution.

50. **Mr. Lippiatt** (WE International) said that Morocco had continuously oppressed the Sahrawi people through arbitrary arrests, enforced disappearances, attacks on civilian population, systematic persecution and the violent oppression of peaceful demonstrations, in addition to the rape, abuse and humiliation of Sahrawi women in the occupied territory of Western Sahara. It was therefore essential that the mandate of MINURSO be extended to human rights monitoring, in particular given that the Moroccan National Council on Human Rights could not be relied

upon to fulfil that role. He urged all countries, in particular France, the supposed birthplace of human rights, to support that mandate.

51. Furthermore, the inaction of the Moroccan Government in response to documented cases of Sahrawis being tortured, denied education or employment and prevented from practising their traditional nomadic lifestyles was clear cause for referring it to the International Criminal Court for crimes against humanity. The continued stalemate and the lack of action by the international community allowed the continuation of human rights violations and the exploitation of Western Sahara and confirmed the beliefs of critics that the United Nations was unwilling to resolve the issue.

52. **Mr. Grosdidier** (French Senate) said that the status quo in Western Sahara and the failure to recognize its Moroccan character was harmful to the population, the security of the Sahel and Sahara regions, the prosperity of the people of the Maghreb and the security of its European neighbours. Morocco had a historical claim to the region. At the time of French colonization, the vast majority of tribes in the southern region had pledged allegiance to the King of Morocco. The failure to see that relationship as a political, as well as religious, relationship was to misunderstand the nature of allegiance in Muslim Arab culture. The refusal to recognize the Moroccan identity of the region stemmed from the partitioning of the territory by the colonial Powers and from the cold war, which had confused a national cause with an imperial cause.

53. There was no excuse for excluding any of the current inhabitants of the Sahara region from participating in the democratic process. The Moroccan proposal for autonomy addressed the democratic aspirations and development needs of the Saharan population in a manner that respected their identities. It would also assure the security and stability of the region, which was far too vast to be controlled by an independent nation with such a small population. Morocco, conversely, played a leading role in combating terrorism and ensuring the stability of the Saharan provinces and the wider region. The continued division between Morocco and the Sahara region damaged economic growth and denied young Sahrawis many opportunities. A unified Maghreb was essential to both the stability of Europe and the prosperity of Africa.

54. **Ms. Basinet**, speaking in her personal capacity, said that she had come before the Committee to fight for self-determination and to offer support to those who stood on the frontlines of a media and cyber warzone. The intellectual property of the Saharan people, who

were engaged in a self-determined path of peaceful resistance, was being exploited by commercials, celebrities and brands. Such tactics had brought the world to the brink of government by corporation, in which businesses changed laws and ignored people in pursuit of profit. All individuals, the Saharan people included, deserved the chance to make a living off their creativity. A minority was diverting the income and solutions of the majority to promote their films, commercials and brands. In that same vein, in Western Sahara, phosphate was plundered, crops grown and wind and solar farms constructed without any compensation being paid to the local people. The ability of that people to withstand the inhospitable climate of the Sahara desert for so many decades was a testament to their strength. Everybody suffered as a result of corporate greed and the diversion of income and solutions. In the cyber and media age, women were on the frontlines of a warzone, in which the weapon was not rape, but rather facial recognition, fake algorithms and sexualization.

55. **Mr. Olafsson**, speaking in his personal capacity, said that, as part of its reform process, Morocco was strengthening democratic institutions and civil society, addressing social equity and human development and extending the mandates of independent national institutions charged with fighting corruption and protecting human rights. It was also working to improve economic growth and create job opportunities, in particular for young persons, including in the Sahara region. As a result of major infrastructure investment, the Sahara region was now one of the most prosperous in North Africa.

56. Spurious claims had been made that Morocco was exploiting the natural resources of the Sahara, but Morocco had a legal claim to those resources, as that region was part of Moroccan territory. Furthermore, Morocco was investing the revenue from such resources back into the Sahara region, in consultation with the local population, as had been confirmed by the European Court of Justice and the European Union. Such investment was part of the Moroccan development model for the southern provinces and the advanced regionalization that Morocco sought to make successful.

57. **Mr. Björnsson**, speaking in his personal capacity, said that, in line with its Constitution, Morocco was pursuing a programme of advanced regionalization designed to achieve development in all areas of the country, including in the region of Moroccan Sahara. The Moroccan Economic, Social and Environmental Council had developed a detailed proposal for a new environmentally sustainable and socially equitable growth model for the Sahara region with the aim of creating wealth and employment, in particular for young

people. The project was based on the active participation of citizens in order to ensure that all parties benefited equitably from the resources of the Sahara. The key objective was to promote the diversification of local businesses in order to encourage private initiatives and social economy. As learned from experiences in the Arctic, autonomy was necessary in order to promote economic development while avoiding societal disruption. Ensuring financial autonomy was therefore an important step in consolidating the effective management of the Sahara region. Economic reform, improved energy security, greater access to education and improved communication infrastructure were essential to securing a brighter future for young Moroccans.

Statements made in exercise of the right of reply

58. **Mr. Sylvester** (United Kingdom) said that his Government had sovereignty over Gibraltar and the waters surrounding it and that, as a separate Territory recognized by the United Nations and included since 1946 on its list of Non-Self-Governing Territories, Gibraltar enjoyed the rights accorded to it under the Charter of the United Nations. The people of Gibraltar enjoyed the right to self-determination. The 2006 Gibraltar Constitution, which had been endorsed by referendum, provided for a modern and mature relationship between Gibraltar and the United Kingdom.

59. The United Kingdom reiterated that it would not enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their freely and democratically expressed wishes; nor would it enter into a process of sovereignty negotiations with which Gibraltar was not content. His Government was committed to safeguarding Gibraltar, its people and its economy, and the governments of the United Kingdom and Gibraltar remained firmly committed to the Trilateral Forum for Dialogue as the most credible, constructive and practical means of strengthening relations among the United Kingdom, Gibraltar and Spain for the benefit of all parties. His Government regretted that Spain had withdrawn formally from those talks in 2011.

60. Gibraltar had a vigorous parliamentary democracy of its own and was responsible for everything apart from foreign affairs, defence and internal security. It was still the position of his Government that the fundamentals of the constitutional relationship were correct, although it was open to a dialogue on proposals put forward by Gibraltar. His Government, refuting the allegations that the United Kingdom had illegally occupied the isthmus and surrounding waters, pointed out that under international law, as established by the United Nations

Convention on the Law of the Sea, territorial waters flowed from sovereignty over the land. Therefore, it followed inexorably that the State which was sovereign over the land, as in the case of the United Kingdom, was also sovereign over the territorial waters out to three nautical miles or to the median line.

61. His delegation would continue to uphold British sovereignty and use a range of proportionate naval and diplomatic responses to illegal incursions by Spanish State vessels into British Gibraltar territorial waters. The Gibraltar government would continue to cooperate fully with the European Commission and the Code of Conduct Group in relation to one aspect of its tax regime, with support from the Government of the United Kingdom. He was confident that the Gibraltar tax regime would be found to comply with all applicable European Union and international standards. The European Commission had recognized the commitment that the Gibraltar government had made to tackle cigarette smuggling between Gibraltar and Spain, as well as the significant steps that it had already taken. The Gibraltar government had repeatedly made clear its desire to work more closely and directly with its Spanish counterparts to deal with the issue.

62. The governments of the United Kingdom and Gibraltar stood ready to engage with Spain to establish new and deeper forms of cooperation to address issues of mutual importance in the wider region through dialogue that fully reflected the wishes, interests, rights and responsibilities of the people and government of Gibraltar.

63. **Mr. Santos Maraver** (Spain) said that there was a clear contradiction at the heart of the position articulated by the representative of the United Kingdom. If Gibraltar were not a colony, it would not have been included on the list of Non-Self-Governing Territories since 1946. Moreover, as it was a colony, the United Kingdom had effectively addressed the Committee, asserting its responsibility over the Territory, in its capacity as colonial Power. The fact that Gibraltar remained a colony justified the Spanish position, which was based on the stipulation in General Assembly resolution 2353 (XXII) that any colonial situation which partially or completely destroyed the national unity and territorial integrity of a country was incompatible with the purposes and principles of the Charter of the United Nations. Furthermore, by failing to acknowledge the legal basis of British sovereignty over Gibraltar, namely, the Treaty of Utrecht of 1713, the United Kingdom lay claim to rights never acquired legally under that treaty, such as the right to sovereignty over territorial waters. Spain had ratified the United Nations Convention on the Law of the Sea on the clear

understanding that that instrument was not applicable in the case of Gibraltar, as a Territory undergoing a decolonization process governed solely by the relevant General Assembly resolutions.

64. The new situation that had arisen as a result of "Brexit", the decision by the United Kingdom to leave the European Union, made negotiations aimed at determining the legal status of Gibraltar — a colony of the United Kingdom inside European Union territory — all the more urgent. The stipulation in the European Council draft guidelines of 29 April 2017, according to which no agreement between the European Union and the United Kingdom might apply to the territory of Gibraltar without the agreement of the Kingdom of Spain and the United Kingdom after the United Kingdom left the Union, underscored that urgency. Failing to reach an agreement would directly affect the people on both sides of the border. As stressed by his delegation the previous day, Campo de Gibraltar and Gibraltar were at serious risk of economic collapse and, if that were to happen, further negotiations would be impossible.

65. Reiterating his Government's readiness to negotiate and reach short- and long-term agreements, he highlighted the direct link between the situation created by Brexit and the initial matter of British sovereignty over Gibraltar, which had been the result of military occupation, the expulsion of the original population and the subsequent consolidation of an illegal situation.

The meeting rose at 5.55 p.m.